

Attorney Docket Number: FSP0241  
Client Reference Number: 243264US  
Title: coaxial communication active tap device and distribution system  
Application Number: 10/805,226

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## REMARKS

In an office action mailed on 02/21/2008, restriction is called for under 35 USC 121. The species which alleged are distinct are species I, claims 1-21; species II, claims 22-37; species III, claims 38-43 and 54-63; species IV, claims 44-53 and 64-73.

The Applicant hereby elects Species I, corresponding to claims 1-21, with traverse.

### **Interview on February 14<sup>th</sup>, 2008**

The Examiner contacted the Applicant's representative on February 14<sup>th</sup>, 2008, suggesting an oral election. The Applicant did not orally elect at that time.

### **The Inventions are Distinct Under the Meaning of MPEP 802.01(II)**

The Official Action asserts that Species I and II are related as combination and subcombination. To support a requirement for restriction between combination and subcombination inventions, both two-way distinctness and reasons for insisting on restriction are necessary, i.e., there would be a serious search burden as evidenced by separate classification, status, or field of search. See MPEP § 808.02. To be distinct the claims must cover inventions that (A) do not require the particulars of the subcombination as claimed for patentability (to show novelty and unobviousness), and (B) the subcombination can be shown to have utility either by itself or in another materially different combination.

Claim 1 is the base claim of Species I. Claim 1 recites:

An active signal tap device, comprising:

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an input with a minimum input level of -4 dBmV;  
at least one signal tap output; and  
an active component connecting the input to the at least one signal tap output and  
configured to provide an RF output of approximately 18 dBmV with a maximum DC  
power consumption of no more than 0.5 Watts.

Claim 22 is the base claim of Species II. Claim 22 recites:

A signal distribution system, comprising:  
one of a passive tap and a first active signal tap; and  
a second active signal tap connected to the first active signal tap, said first and second  
active signal taps each including  
an input with a minimum input level of -4 dBmV;  
at least one signal tap output; and  
an active component connecting the input to the at least one signal tap output and  
configured to provide an RF output of approximately 18 dBmV with a maximum DC  
power consumption of no more than 0.5 Watts.

Claim 22 merely recites a signaling system that includes an active tap device as  
described in Claim 1. Therefore, Claim 22 requires the particulars of the subcombination  
of Claim 1 for patentability (to show novelty and unobviousness). The two-way test for  
distinctness fails, and hence restriction between Species I and II is inappropriate.

Claim 38 is the base claim of Species III. Claim 38 recites:

A method for actively amplifying a signal, comprising:  
passing an RF signal from an input port to an output port;  
tapping said input RF signal to provide a tapped signal;

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amplifying said tapped signal with an active tap configured to consume no more than 0.5 Watts while providing a noise figure of no more than 3 dB and a bandwidth of 20 MHz-1.5 GHz to provide an amplified tap signal; and  
passing said amplified tap signal to a tap output.

Claim 44 is the base claim of Species IV. Claim 44 recites:

A method for distributing an RF signal via cable, comprising:  
passing an RF signal through a first active tap; and  
passing said RF signal through a second active tap, said second active tap either in series or in parallel with said first active tap, wherein each of said steps of passing comprise:  
tapping an input RF signal to provide a tapped signal;  
amplifying said tapped signal with an active component consuming no more than 0.5 Watts and providing a noise figure of no more than 3 dB and a bandwidth of 20 MHz-1.5 GHz to provide an amplified tap signal; and  
outputting said amplified tap signal to a tap output.

Claim 44 recites distributing an RF signal via cable using the method of claim 38. Claim 44 requires the particulars of the process of Claim 38 for patentability (to show novelty and unobviousness). The two-way test for distinctness fails, and hence restriction between Species III and IV is inappropriate.

If the Examiner believes that a telephone interview would in any way advance prosecution of the present application, please contact the undersigned.

Signature	/Charles A. Mirho/	Date: 5/10/2008
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